

U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:18-cv-01979-WHA

American Small Business League v. Department of Defense
Assigned to: Judge William Alsup
Relate Case Case: 3:14-cv-02166-WHA
Cause: 05:552 Freedom of Information Act

Date Filed: 03/30/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Small Business League

represented by **Qwalyne Elise Lawson**
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V.

Defendant

Department of Defense

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Date Filed	#	Docket Text
03/30/2018	<u>1</u>	COMPLAINT against Department of Defense (Filing fee \$ 400, receipt number 0971-12236017.). Filed by American Small Business League. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Olson, Karl) (Filed on 3/30/2018) (Entered: 03/30/2018)
04/02/2018	<u>2</u>	<p>Case assigned to Magistrate Judge Maria-Elena James.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 4/16/2018. (srnS, COURT STAFF) (Filed on 4/2/2018) (Entered: 04/02/2018)</p>
04/02/2018	<u>3</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 6/21/2018. Initial Case Management Conference set for 6/28/2018 10:00 AM. (hdjS, COURT STAFF) (Filed on 4/2/2018) (Entered: 04/02/2018)
04/02/2018	<u>4</u>	Summons Issued as to Department of Defense, U.S. Attorney and U.S. Attorney General (hdjS, COURT STAFF) (Filed on 4/2/2018) (Entered: 04/02/2018)
04/06/2018	<u>5</u>	CERTIFICATE OF SERVICE by American Small Business League (Olson, Karl) (Filed on 4/6/2018) (Entered: 04/06/2018)
04/16/2018	<u>6</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Defense.. (London, Ellen) (Filed on 4/16/2018) (Entered: 04/16/2018)
04/16/2018	<u>7</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by American Small Business League.. (Olson, Karl) (Filed on 4/16/2018) (Entered: 04/16/2018)
04/16/2018	<u>8</u>	MOTION to Relate Case filed by American Small Business League. (Attachments: # <u>1</u> Declaration)(Olson, Karl) (Filed on 4/16/2018) (Entered: 04/16/2018)
04/17/2018	<u>9</u>	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice.</i> (rmm2S, COURT STAFF) (Filed on 4/17/2018) (Entered: 04/17/2018)</p>

04/18/2018	<u>10</u>	ORDER REASSIGNING CASE. Case Reassigned to Judge William H. Orrick. Magistrate Judge Maria-Elena James no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras . Signed by Executive Committee on 4/18/18. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(as, COURT STAFF) (Filed on 4/18/2018) (Entered: 04/18/2018)
04/18/2018	<u>11</u>	CASE MANAGEMENT CONFERENCE ORDER – Case Management Conference set for 6/19/2018 02:00 PM in San Francisco, Courtroom 02, 17th Floor. Case Management Statement due by 6/12/2018. Signed by Judge William H. Orrick on 04/18/2018. (jmdS, COURT STAFF) (Filed on 4/18/2018) (Entered: 04/18/2018)
04/19/2018	<u>12</u>	Proposed Order <i>re Motion to Relate Case</i> by American Small Business League. (Olson, Karl) (Filed on 4/19/2018) (Entered: 04/19/2018)
04/20/2018	<u>13</u>	RESPONSE to <u>8</u> <i>Administrative Motion to Relate Case</i> by Department of Defense. (Attachments: # <u>1</u> Proposed Order)(London, Ellen) (Filed on 4/20/2018) Modified on 4/23/2018 (aaaS, COURT STAFF). (Entered: 04/20/2018)
04/20/2018	<u>14</u>	CERTIFICATE OF SERVICE by American Small Business League re <u>11</u> Case Management Scheduling Order, (Olson, Karl) (Filed on 4/20/2018) (Entered: 04/20/2018)
04/25/2018	<u>15</u>	RESPONSE to re <u>13</u> Response (Non Motion) <i>Reply Brief in Support of Administrative Motion to Relate Case</i> by American Small Business League. (Olson, Karl) (Filed on 4/25/2018) (Entered: 04/25/2018)
04/30/2018	<u>16</u>	ORDER RELATING CASE. Signed by Judge Alsup on 4/30/2018. (whalc2, COURT STAFF) (Filed on 4/30/2018) (Entered: 04/30/2018)
05/01/2018	<u>17</u>	Case reassigned to Judge Judge William Alsup. Judge William H. Orrick no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and http://cand.uscourts.gov/cameras (srnS, COURT STAFF) (Filed on 5/1/2018) (Entered: 05/01/2018)
05/03/2018	<u>18</u>	ANSWER to Complaint by Department of Defense. (London, Ellen) (Filed on 5/3/2018) (Entered: 05/03/2018)
05/03/2018	<u>19</u>	CLERK'S NOTICE SCHEDULING INITIAL CASE MANAGEMENT ON REASSIGNMENT: Initial Case Management Conference set for 6/28/2018 at 11:00 AM in San Francisco, Courtroom 12, 19th Floor. Case Management Statement due by 6/21/2018. Judge Alsup's standing orders may be downloaded from the Court's web page at: www.cand.uscourts.gov/whaorders . (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (afmS, COURT STAFF) (Filed on 5/3/2018) (Entered: 05/03/2018)
05/24/2018	<u>20</u>	AMENDED COMPLAINT against Department of Defense. Filed by American Small Business League. (Olson, Karl) (Filed on 5/24/2018) (Entered: 05/24/2018)
06/07/2018	<u>21</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (London, Ellen) (Filed on 6/7/2018) (Entered: 06/07/2018)
06/07/2018	<u>22</u>	ANSWER to Amended Complaint <i>Defendant's Answer and Affirmative Defenses to Plaintiff's First Amended Complaint for Declaratory and Injunctive Relief</i> by Department of Defense. (London, Ellen) (Filed on 6/7/2018) (Entered: 06/07/2018)
06/12/2018	<u>23</u>	NOTICE by Department of Defense <i>of government action</i> (London, Ellen) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/14/2018	<u>24</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Olson, Karl) (Filed on 6/14/2018) (Entered: 06/14/2018)
06/21/2018	<u>25</u>	CASE MANAGEMENT STATEMENT filed by Department of Defense. (London, Ellen) (Filed on 6/21/2018) (Entered: 06/21/2018)
06/28/2018	<u>26</u>	CASE MANAGEMENT SCHEDULING ORDER: Further Case Management Conference set for 7/19/2018 11:00 AM in San Francisco, Courtroom 12, 19th

		Floor. Case Management Statement due by 7/12/2018. Signed by Judge William Alsup on 6/28/2018. (whasec, COURT STAFF) (Filed on 6/28/2018) (Entered: 06/28/2018)
06/28/2018	<u>27</u>	<p>Minute Entry for proceedings held before Judge William Alsup:</p> <p>Initial Case Management Conference held on 6/28/2018. Counsel states that all documents should be produced in roughly 3 months. The Court sets a further case management conference for 7/19/2018 at 11:00 a.m. to monitor the progress.</p> <p>Total Time in Court: 2 Minutes. Court Reporter: Belle Ball.</p> <p>Plaintiff Attorney: Karl Olson. Defendant Attorney: Ellen London.</p> <p>(afmS, COURT STAFF) (Date Filed: 6/28/2018) (Entered: 06/28/2018)</p>
06/29/2018	<u>28</u>	Letter from Ellen London <i>regarding DOJ FOIA request.</i> (London, Ellen) (Filed on 6/29/2018) (Entered: 06/29/2018)
07/12/2018	<u>29</u>	STIPULATION WITH PROPOSED ORDER filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Declaration)(London, Ellen) (Filed on 7/12/2018) (Entered: 07/12/2018)
07/12/2018	<u>30</u>	CASE MANAGEMENT STATEMENT filed by Department of Defense. (London, Ellen) (Filed on 7/12/2018) (Entered: 07/12/2018)
07/17/2018	<u>31</u>	ORDER GRANTING <u>29</u> STIPULATION RE PRODUCTION OF DOCUMENTS AND AMENDMENT OF COMPLAINT. Signed by Judge William Alsup. (whalc2, COURT STAFF) (Filed on 7/17/2018) (Entered: 07/17/2018)
07/18/2018	<u>32</u>	CLERK'S NOTICE VACATING AND RESETTING CASE MANAGEMENT CONFERENCE: Further Case Management Conference set for 7/19/2018 at 11:00 a.m. is VACATED and RESET for 10/4/2018 at 11:00 AM in San Francisco, Courtroom 12, 19th Floor. Case Management Statement due by 9/27/2018. If the parties have resolved all issues before the CMC date, then the parties may file a stipulated dismissal and then CMC will be vacated. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (afmS, COURT STAFF) (Filed on 7/18/2018) (Entered: 07/18/2018)
07/27/2018	<u>33</u>	NOTICE by Department of Defense <i>Notice of Agency Action</i> (London, Ellen) (Filed on 7/27/2018) (Entered: 07/27/2018)
07/31/2018	<u>34</u>	ANSWER to Complaint <i>Defendants' Answser and Affirmative Defenses to Plaintiff's Second Amended Complaint for Declaratory and Injunctive Relief</i> by Department of Defense. (London, Ellen) (Filed on 7/31/2018) (Entered: 07/31/2018)
08/10/2018	<u>35</u>	STATUS REPORT <i>Joint Status Report</i> by Department of Defense. (London, Ellen) (Filed on 8/10/2018) (Entered: 08/10/2018)
09/04/2018	<u>36</u>	NOTICE by Department of Defense <i>Notice of Agency Action</i> (London, Ellen) (Filed on 9/4/2018) (Entered: 09/04/2018)
09/14/2018	<u>37</u>	NOTICE by Department of Defense (London, Ellen) (Filed on 9/14/2018) (Entered: 09/14/2018)
09/21/2018	<u>38</u>	NOTICE by Department of Defense re <u>37</u> Notice (Other) (London, Ellen) (Filed on 9/21/2018) (Entered: 09/21/2018)
09/25/2018	<u>39</u>	NOTICE by Department of Defense re <u>38</u> Notice (Other) (London, Ellen) (Filed on 9/25/2018) (Entered: 09/25/2018)
09/27/2018	<u>40</u>	JOINT CASE MANAGEMENT STATEMENT ; <i>Stipulation and [Proposed] Order Adjourning Case Management Conference</i> filed by Department of Defense. (London, Ellen) (Filed on 9/27/2018) (Entered: 09/27/2018)

		<p>Declaration of Karl Olson, # <u>34</u> Exhibit GG – to Declaration of Karl Olson, # <u>35</u> Exhibit HH – to Declaration of Karl Olson, # <u>36</u> Exhibit II – to Declaration of Karl Olson, # <u>37</u> Exhibit JJ – to Declaration of Karl Olson, # <u>38</u> Exhibit KK – to Declaration of Karl Olson, # <u>39</u> Exhibit LL – to Declaration of Karl Olson, # <u>40</u> Exhibit MM – to Declaration of Karl Olson, # <u>41</u> Exhibit NN – to Declaration of Karl Olson, # <u>42</u> Exhibit OO – to Declaration of Karl Olson, # <u>43</u> Exhibit PP – to Declaration of Karl Olson, # <u>44</u> Exhibit QQ – to Declaration of Karl Olson, # <u>45</u> Exhibit RR – to Declaration of Karl Olson, # <u>46</u> Exhibit SS – to Declaration of Karl Olson, # <u>47</u> Exhibit TT – to Declaration of Karl Olson, # <u>48</u> Exhibit UU – to Declaration of Karl Olson, # <u>49</u> Exhibit VV – to Declaration of Karl Olson, # <u>50</u> Declaration Declaration of Charles Tiefer in Support of Plaintiff's Cross–Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>51</u> Declaration Declaration of David Downey in Support of Plaintiff's Cross–Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>52</u> Exhibit A – to Declaration of David Downey, # <u>53</u> Declaration Declaration of Lloyd Chapman in Support of Plaintiff's Cross–Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>54</u> Exhibit A – to Declaration of Lloyd Chapman, # <u>55</u> Exhibit B – to Declaration of Lloyd Chapman, # <u>56</u> Exhibit C – to Declaration of Lloyd Chapman, # <u>57</u> Exhibit D – to Declaration of Lloyd Chapman, # <u>58</u> Declaration Declaration of William Shook in Support of Plaintiff's Cross–Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>59</u> Appendix Request for Judicial Notice in Support of Opposition to Defendants' Motion for Summary Judgement and Cross–Motion for Summary Judgement, # <u>60</u> Proposed Order [Proposed] Order Denying Defendants' Motion for Summary Judgement and Granting Plaintiff Cross–Motion for Summary Judgement)(Olson, Karl) (Filed on 12/7/2018) (Entered: 12/07/2018)</p>
12/20/2018	<u>48</u>	REPLY (re <u>44</u> MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities in Support of Motion</i>) and Opposition to Cross–Motion filed by Department of Defense. (Attachments: # <u>1</u> Declaration of Janice Buffler, # <u>2</u> Declaration of Mark H. Herrington, # <u>3</u> Declaration of Kimberly Friday, # <u>4</u> Declaration of Ellen London)(London, Ellen) (Filed on 12/20/2018) (Entered: 12/20/2018)
12/26/2018	<u>49</u>	MOTION <i>Defendants' Administrative Motion to Continue the Hearing on the Parties' Cross Motions for Summary Judgment</i> filed by Department of Defense. Responses due by 1/9/2019. Replies due by 1/16/2019. (Attachments: # <u>1</u> Declaration of Ellen London, # <u>2</u> Proposed Order)(London, Ellen) (Filed on 12/26/2018) (Entered: 12/26/2018)
12/28/2018	<u>50</u>	ORDER RE <u>49</u> ADMINISTRATIVE MOTION TO CONTINUE HEARING. Signed by Judge Alsup. Motion Hearing set for 1/31/2019 08:00 AM in San Francisco, Courtroom 12, 19th Floor before Judge William Alsup. (whalc2, COURT STAFF) (Filed on 12/28/2018) (Entered: 12/28/2018)
01/03/2019	<u>51</u>	REPLY (re <u>44</u> MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities in Support of Motion</i>) filed by American Small Business League. (Attachments: # <u>1</u> Declaration REPLY DECLARATION OF KARL OLSON IN SUPPORT OF PLAINTIFF AMERICAN SMALL BUSINESS LEAGUES CROSS–MOTION FOR SUMMARY JUDGMENT)(Olson, Karl) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/03/2019		Set/Reset Deadlines as to <u>44</u> MOTION for Summary Judgment: Motion Hearing set for 1/31/2019 08:00 AM in San Francisco, Courtroom 12, 19th Floor before Judge William Alsup. (tlhS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/03/2019		Set/Reset Hearing (tlhS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/24/2019	<u>52</u>	NOTICE by Department of Defense (London, Ellen) (Filed on 1/24/2019) (Entered: 01/24/2019)
01/28/2019	<u>53</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7–3.d filed by American Small Business League. (Olson, Karl) (Filed on 1/28/2019) Modified on 1/28/2019 (amgS, COURT STAFF). (Entered: 01/28/2019)

01/31/2019	<u>54</u>	Minute Entry for proceedings held before Judge William Alsup: Motion Hearing re <u>44</u> MOTION for Summary Judgment held on 1/31/2019. Matter taken under submission. Court to issue written order. (Total Time in Court: 28 minutes.) Court Reporter: Katherine Sullivan. Plaintiff Attorney: Karl Olson, Aaron Field, Qwalyne Lawson. Defendant Attorney: Ellen London. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tlhS, COURT STAFF) (Date Filed: 1/31/2019) (Entered: 01/31/2019)
03/01/2019	<u>55</u>	NOTICE by Department of Defense (Attachments: # <u>1</u> Declaration of Mark H. Herrington)(London, Ellen) (Filed on 3/1/2019) (Entered: 03/01/2019)
03/01/2019	<u>56</u>	TRANSCRIPT ORDER for proceedings held on 1/31/2019 before Judge William Alsup by American Small Business League, for Court Reporter Katherine Sullivan. (Olson, Karl) (Filed on 3/1/2019) (Entered: 03/01/2019)
03/08/2019	<u>57</u>	Transcript of Proceedings held on 1/31/19, before Judge William H. Alsup. Court Reporter/Transcriber Katherine Sullivan, Katherine_Sullivan@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>56</u> Transcript Order) Redaction Request due 3/29/2019. Redacted Transcript Deadline set for 4/8/2019. Release of Transcript Restriction set for 6/6/2019. (Related documents(s) <u>56</u>) (Sullivan, Katherine) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/08/2019	<u>58</u>	ORDER ON <u>44</u> <u>47</u> CROSS-MOTIONS FOR SUMMARY JUDGMENT. Signed by Judge William Alsup. (whalc2, COURT STAFF) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/19/2019	<u>59</u>	JOINT CASE MANAGEMENT STATEMENT Pursuant to ECF <u>58</u> filed by American Small Business League and Department of Defense. (Olson, Karl) (Filed on 3/19/2019) Modified on 3/19/2019 (amgS, COURT STAFF). Modified on 3/19/2019 (amgS, COURT STAFF). (Entered: 03/19/2019)
03/25/2019	<u>60</u>	STIPULATION WITH PROPOSED ORDER <i>Re Scheduling of Pretrial and Trial Dates</i> filed by Department of Defense and American Small Business League. (London, Ellen) (Filed on 3/25/2019) Modified on 3/26/2019 (amgS, COURT STAFF). (Entered: 03/25/2019)
04/09/2019	<u>61</u>	ORDER ON <u>60</u> STIPULATED SCHEDULE RE PRETRIAL AND TRIAL DATES. Signed by Judge William Alsup. (whalc2, COURT STAFF) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/17/2019	<u>62</u>	NOTICE of Appearance by Savith Iyengar (Iyengar, Savith) (Filed on 4/17/2019) (Entered: 04/17/2019)
04/18/2019	<u>63</u>	NOTICE of Appearance by Therese Yvonne Cannata (Cannata, Therese) (Filed on 4/18/2019) (Entered: 04/18/2019)
04/26/2019	<u>64</u>	NOTICE by Department of Defense re <u>58</u> Order on Motion for Summary Judgment of <i>Further Release of Documents</i> (Attachments: # <u>1</u> Declaration Mark H. Herrington, # <u>2</u> Declaration Hirsh D. Kravitz, # <u>3</u> Declaration Ellen London)(London, Ellen) (Filed on 4/26/2019) (Entered: 04/26/2019)